

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:15-CR-292-FL

UNITED STATES OF AMERICA)
)
 v.)
)
KURT MICHAEL KROL)

FINAL ORDER OF FORFEITURE

WHEREAS, on May 3, 2017, this Court entered a Preliminary Order of Forfeiture pursuant to the provision of 18 U.S.C. § 2320(c) and 2323(b), the following property was forfeited to the United States, to wit:

- A. All counterfeit articles seized, including all parts and accessories;
- B. Proceeds of \$156,932.00 seized from BB&T account numbers 5101511016, 5105531046, 5297522797, and 5202082396;
- C. Proceeds of \$51,988.00 seized from USAA account numbers 0025784544 and 0043624219;
- D. 201 Forest Creek Drive, Fayetteville, North Carolina, being legally described in book 9190, page 825 of the Cumberland County registry, North Carolina; and
- E. 179 Oakridge Drive, Raeford, North Carolina, being legally described in book 963, page 350 of the Hoke County registry, North Carolina;

AND WHEREAS, the United States published notice of this forfeiture at the www.forfeiture.gov web site for at least 30 consecutive days, between May 6, 2017 and June 4, 2017, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty of Maritime Claims and Asset Forfeiture Actions, and said published notice advised all third parties of their right to petition the court within sixty (60) days from the first day of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the forfeited property;

AND WHEREAS, the potential petitioners as to the subject properties in this criminal forfeiture action are listed as follows: Regina Krol, Universal Mania, Inc., Sims Enterprises, Inc., Singh Harpreet Enterprises, Inc., the Cumberland County and Hoke County Tax Administrators, and MERS Inc. as nominee for Plaza Home Mortgage, Inc. and Branch Banking and Trust Company;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on Regina Krol c/o her counsel of record, Elliot S. Abrams, via electronic mail on May 10, 2017;

AND WHEREAS, service of the Preliminary Order of Forfeiture was not made on MERS Inc. as nominee for Plaza Home Mortgage, Inc. and Branch Banking and Trust Company. However, service of the Preliminary Order of Forfeiture was effected on July 17, 2018 upon counsel handling the foreclosure actions for the above-named lienholders as to the subject real properties, that is, John

Mandulak, Hutchens Law Firm, 4317 Ramsey Street, Fayetteville, North Carolina. The undersigned advises this Court that the United States has been in continued communication with Attorney Mandulak as to the status of the filing of the lienholders' petition of interest. Even though a petition of interest has not yet been filed by the lienholders, the United States intends to recognize their interests and pay them out of the proceeds of sale of the real property;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on the Cumberland County Tax Administrator, via certified mail on approximately June 19, 2017 by an agent of the U. S. Postal Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on the Hoke County Tax Administrator, via certified mail on approximately June 21, 2017 by an agent of the U. S. Postal Service;

AND WHEREAS, service upon the subject personal property listed in the Preliminary Order of Forfeiture as Item (A), that is, all counterfeit articles seized, including all parts and accessories, was made while the property was in the custody of the United States Department of Homeland Security on June 19, 2018;

AND WHEREAS, service upon the subject real property located at 201 Forest Creek Drive, Fayetteville, Cumberland County, North Carolina, and specifically listed in the Preliminary Order of

Forfeiture as Item (D), was executed by posting of the Preliminary Order of Forfeiture on the property by an agent of the United States Department of Homeland Security on June 19, 2018;

AND WHEREAS, service upon the subject real property located at 179 Oakridge Drive, Raeford, Hoke County, North Carolina, and specifically listed in the Preliminary Order of Forfeiture as Item (E), was executed by posting of the Preliminary Order of Forfeiture on the property by an agent of the United States Department of Homeland Security on June 19, 2018;

AND WHEREAS, the United States advises the Court that the subject currency listed as Items (B) and (C) in the May 3, 2017 Preliminary Order of Forfeiture have been administratively forfeited by the United States Department of Homeland Security. Hence, the United States advised that it does not wish to pursue judicial forfeiture of those specific items in this criminal forfeiture action;

AND WHEREAS, on June 13, 2017, Claims and Joint Petitions were filed by Regina Krol and Universal Mania, Inc. as to certain property in this criminal forfeiture action. [DE-61]. Subsequently, on June 12, 2018, Regina Krol, Universal Mania, Inc., Sims Enterprises, Inc., and Singh Harpreet Enterprises, Inc. withdrew their claims and petitions. [DE-180]. Service of the Preliminary Order of Forfeiture was made on Universal Mania, Inc.,

Sims Enterprises, Inc., Singh Harpreet Enterprises, Inc. c/o counsel of record, Elliot S. Abrams, via electronic mail;

AND WHEREAS, on July 26 and 27, 2017, Petitions were filed by the Cumberland County Tax Collector, North Carolina as to the subject real property described as 201 Forest Creek Drive, Fayetteville, North Carolina. [DE-70, 71]. Subsequently, on August 18, 2017, the United States filed a response to the Petition of Interest of Cumberland County Tax Collector stating that "Cumberland County's interest can be fully recognized and paid out of the proceeds of sale of the real property." [DE-89];

AND WHEREAS, it appears from the record that no other claims, contested or otherwise, have been filed for any of the subject property described in this Court's May 3, 2017 Preliminary Order of Forfeiture, other than those specifically mentioned herein.

It is HEREBY ORDERED, ADJUDGED and DECREED:

1. That the subject property listed in the May 3, 2017 Preliminary Order of Forfeiture (except Items (B) & (C)) is hereby forfeited to the United States. That the United States Department of Justice or the United States Department of Treasury is directed to dispose of the property according to law, including destruction. All right, title, and interest in this property shall vest in the United States as of the date of commission of the offense committed by the defendant which rendered it subject to forfeiture, subject only to the claims of the Cumberland County Tax Administrator, the

Hoke County Tax Administrator, Plaza Home Mortgage, Inc., and Branch Banking and Trust Company, if any.

2. That any and all forfeited funds shall be deposited by the United States Department of Justice or the United States Department of Treasury as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund or the Department of Treasury's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED this 27th day of September, 2018.



LOUISE W. FLANAGAN
UNITED STATES DISTRICT JUDGE